



## Dear Members of the Tribunal:

This email is in further response to the Tribunal's November 28, 2023, procedural order, in which the Tribunal requested comments on whether it should order the parties to seek a sealing order from the SDNY and direct the parties to seek to have third-party Jus Mundi retract materials published on its website. We note that Claimants have once again used an invitation by the Tribunal to comment on a matter relating to this case to make wholly unsubstantiated, factually false claims about the Respondents. The Respondents reserve the right to respond to those claims at an appropriate time.

As to the Tribunal's order itself, the Respondents, Terra and TBS, reiterate that the parties recently stipulated to unsealing previously-filed materials in SDNY case no. 1:22-cv-01761 because, after conferring, the parties agreed that those materials were not confidential under New York law. The Order of this Tribunal dated August 12, 2021, permits the parties to so agree. The stipulation of the Parties in this regard has already been filed in the SDNY and is before the Court for determination. (ECF No. 189). An order directing the parties to rescind their prior agreement, and to request from the SDNY a sealing order that may not be warranted by New York law, would not be appropriate. *See Doe v. MacFarland*, 66 Misc.3d 476 (Rockland Cty. Sup. Ct. 2019). Respondents make no comment on the Tribunal's request to make public statements regarding the WSW Article and the

unsuccessful ICDR challenge to the Tribunal.

Respectfully submitted,





